

**TOWN COUNCIL
REGULAR MEETING
OCTOBER 17, 2001**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:02 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Paul and Councilmembers Clark, Starkey and Truex. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. PRESENTATIONS

3.1 Davie School Advisory Board (7:03 p.m. - 7:15 p.m.)

Chair John Picket described the process the Board went through in determining its objectives. Issues of concern included solicitation of public input, recruitment and retention of qualified teachers, security, transportation, learning environment, Florida Comprehensive Assessment Test scores, the A-Plus Plan, legislative budget, business partnerships, overcrowding, boundaries, diversity, and Charter Schools.

Mr. Picket stated that Betsy Donay, Broward County School Board Coordinator for Charter Schools, had made a presentation to the Board and explained that Ms. Donay would make this presentation to Council. He advised that the deadline for applications to create a Charter School was October 1st, and if the Town wished to pursue this in the future, the application would be considered for 2003.

Mr. Picket asked for Council's direction on the perceived duties and appropriate tasks for the Board. Vice-Mayor Paul responded that the Board should act as eyes and ears for Council and present details that might not readily be available to Council. She stated that Council had considered Charter Schools in the past and felt that Mr. Picket's handout clarified issues as far as what the School Board expected.

Councilmember Starkey stated that she had met with Debbie Meyers and Marilyn Soltanipour from Hawkes Bluff Elementary School and discussed how the Board could address boundary issues. Councilmember Starkey referred to a resolution passed by Council supporting specific boundary changes for the HHH High School and felt that surveying communities about boundary issues would hold merit for the School Board. She also offered to share information regarding Charter Schools.

Mayor Venis asked Mr. Willi to add issues Mr. Picket brought forth to future agendas.

3.2 Davie Salutes America Recognition Awards (7:15 p.m. - 7:25 p.m.)

Mayor Venis commended all those who had participated in making the "Day of Remembrance" for September 11, 2001 so meaningful. He, along with Special Projects Director Ms. Stafiej, presented recognition awards to those that were involved.

3.3 Community Redevelopment Agency

This item was withdrawn from the agenda.

3.4 61st Avenue Park Update - Bruce Bernard (7:25 p.m. - 7:32 p.m.)

Public Works/Capital Projects Director Bruce Bernard stated that the bidding process had begun for the pool and cabana area for the 61st Avenue Park and described the various amenities that would be included. He displayed the architect's first rendering of the cabana, stating that the same roof structures and color schemes as Potter Park and Pine Island Park

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were being used. Mr. Bernard stated that the park was being prepared for construction and that clearing, demucking, and filling were in progress. He explained that his department was preparing the property, including grading, irrigation, and athletic fields, and this would all be completed by the time the cabana building was ready to be constructed.

Mr. Bernard spoke about the drainage improvements in the Town. He stated that the first stage of Sequoia Estates and Little Country Estates was completed, Green Acres was in progress and Sunny Lane Estates would begin shortly thereafter. Also, his department was working on the plans and legal aspects of the easements on SW 23 Street as well as an outfall connection at Shenandoah.

Mayor Venis stated that he had received calls from residents of SW 23 Street regarding the status of this project and asked if residents were contacted. Mr. Bernard responded in the negative as Mr. Kiar was handling the legal aspects regarding the easements. Mr. Kiar explained that the Town Attorney's Office prepared the necessary quit-claim deeds based upon the material that was provided. However, the material was not complete and it was returned. Mr. Kiar stated that he had met with Development Services Director Mark Kutney, Engineer Dwight Moore, and Planner Geri Baluss regarding this and Mr. Moore and Ms. Baluss were going to appoint people to this "issue" who would pursue it. Mr. Kiar further advised that he had spoken with some residents who were concerned and once Craven Thompson had completed its work and submitted the proper surveys and legal descriptions, then the Town Attorney's Office could complete the remainder of the legal documents. Mr. Bernard stated that once the paperwork was in order, the project would be bid out to a subcontractor so the project could be expedited.

Mr. Bernard stated that he was still waiting for the plans for the shelter from the School Board of Broward County for the Gessner ballfields. He indicated that the playground would be completed in time for the shelter to be installed. Mr. Bernard advised that the playground at Orange Park was completed and described the various amenities there; however, the Town was still waiting for signage for the playground. He stated that public roads inside the Waterford subdivision of Ivanhoe were overlayed. Mr. Bernard added that work at Potter Park would begin once the work at the 61st Avenue Park was completed. He explained that the bids were expected for the first week in November.

3.5 Davie Agricultural Advisory Board (7:32 p.m. - 7:58 p.m.)

Chair Julie Aitken spoke about the Board's focus on maintaining the rural character and lifestyle for the Town and provided an overview of the Board's vision for future developments that were compatible with the existing rural and equestrian areas in the Town. She showed examples of residential developments that would encourage a more cohesive community rather than a fragmented one, which was the result of many of the newer developments in the Town. Ms. Aitken made recommendations including removal of walls around developments, equestrian trails that passed through developments rather than around the perimeters, and open space areas that were more natural than contrived, roadways that connected rather than cul-de-sacs, and others.

Vice-Mayor Paul stated that the Board had been working diligently in its capacity and felt that it was important to have developers work with staff in planning because it would allow for a cohesive vision for future projects. She recommended having them meet with staff in a workshop so that they could plan and make preparations to present to Council. Vice-Mayor Paul felt the Board had taken the mandate of the community and she wanted to

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see these recommendations developed expeditiously. Mayor Venis agreed that it was important to have an expert coordinate the ideas of staff and the Board and share findings at proposed workshop.

Mr. Kutney recommended various consultants who could provide valuable guidance in this effort. He felt that it was important to narrow and define the scope of expectations so that the vision could be clarified for staff and the community, and he agreed that a workshop was the appropriate venue for this. Mr. Kutney stated that his staff was looking at the conservation and preservation aspects and they would be considering the Transfer of Development Rights Program and clustering techniques.

Mayor Venis asked when this workshop could be scheduled. Mr. Kutney stated that November 15th was the tentative date.

Councilmember Starkey was concerned that clustering decreased open space areas because of smaller lots. She was more in favor of one unit per acre homesites with barns and common-use equestrian areas, and felt developers would be more likely to agree with this. Ms. Aitken explained that developers wanted to use the "cluster" design, and clarified that it allowed for a very large open space area for public use, rather than large private properties. She clarified that the lots were still substantial and compromise should be considered. Councilmember Starkey asked if the open space was for use by the development only. Ms. Aitken stressed that public access was the goal.

Councilmember Clark agreed that clustering allowed for more natural open space areas. She was somewhat concerned that the Town was responsible for maintaining the proposed open spaces and realized that the Town would have to consider this in the budget. Ms. Aitken explained that if native species, ground cover, and trees were planted in the open spaces, then the maintenance was minimal, except for the trail system: whereas, if grass and open fields were part of the design, the maintenance component would be more involved.

3.6 Zoning in Progress - Mark Kutney (7:58 p.m. - 8:16 p.m.)

Mr. Kutney stated that there were six staff members assigned to zoning in progress. He advised that staff had attended a rural lands workshop which was focused on land conservation programs, rural conservation programs, state and federal agricultural programs and agricultural economics, and tools for protecting sensitive lands.

Mr. Kutney stated that staff was working on a base map, which showed remaining vacant land, and existing proposed recreational and equestrian trails. Also, the map was being overlayed to delineate land sizes. Staff was also conducting physical site visits to insure accuracy. Mr. Kutney added that staff had acquired information from the American Planning Association's Planning Advisory Service and was using it for reference. Mr. Kutney felt that staff would be prepared to present their findings at the workshop.

Vice-Mayor Paul asked if the firms Mr. Kutney mentioned could be invited to participate in the planning and coordination of this project, prior to the workshop. Mr. Kutney stated that it might be necessary to do a request for proposal from some of these firms as they were not under contract with the Town, except for Dover, Kohl. Mr. Willi stated that the budgetary issue would have to be investigated.

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Councilmember Starkey stated that if the cost recovery ordinance was in place, there would be a selection of five major firms to choose from who would always be available. She suggested incorporating the universities in the workshop because of their environmental expertise.

Councilmember Truex agreed that a consultant was necessary and felt that one should be retained prior to the November workshop. Mr. Willi suggested that each firm be brought in for a preliminary consultation and that fees be kept under \$10,000 to avoid the need for an immediate request for proposal. He felt that this could be done prior to the November workshop. Councilmember Truex felt that it was important to have property owners involved with this process. He suggested adding this to the next agenda.

Bill Laystrom stated that it would be advantageous for the land owners to be involved in the redesign of the ordinances and he volunteered to meet with consultants and developers. Mr. Laystrom reiterated that there was a concern regarding expediting the application process. He suggested that a notice referencing zoning in progress be attached to applications so that applicants were aware of the process and time constraints.

Vice-Mayor Paul suggested utilizing a land development attorney to assist with the specifics of land development issues.

Mr. Kutney stated that all plats that were in process were allowed to go forward. He explained that his understanding of the zoning in progress was that once a plat was approved, further development would cease until the zoning in progress ordinance was approved.

Mr. Kiar asked if the proposed zoning in progress was adopted, would an application result in a non-conforming or unlawful use of the subject property. Mr. Laystrom explained that it applied to approvals and approval would be conditioned on complying with the final plan of the zoning in progress ordinance. Mr. Kiar was directed by Council to further research this with a land use attorney. Mr. Laystrom stated that this issue was very broad and clarification would be forthcoming with the workshop and finalization of the zoning in progress.

Councilmember Truex asked Mr. Laystrom to write a disclaimer and submit it to Mr. Kiar. He felt that this was an important issue and time was of the essence. Mayor Venis stated this would be added to the November 7th agenda.

Mr. Willi indicated that it was not necessary to make a motion regarding hiring consultants. He clarified that concerned parties would be invited to attend the November 7th Council meeting.

3.7 Upcoming Special Events - Bonnie Stafiej and Dennis Andresky (8:16 p.m. - 8:24 p.m.)

Ms. Stafiej advised that upcoming special events included: flyball competition (October 20th-21st); 5 Star Rodeo (October 27th); Safe Halloween Trick-or-Treat day (October 26th); Third Annual Safety Summit at the Police, Fire, and Military Equipment Show (November 3rd); and Country Craft Show (November 17th-18th).

Mayor Venis advised that the Town was looking for donations of old cellular phones for senior citizens, which could be used for emergency calls to 911 and donations were being accepted at the Safety Summit. Councilmember Starkey was concerned that these cellular

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telephones were earmarked for Women in Distress and hoped that this practice would not be abandoned. Police Chief John George stated that the cellular phones could be distributed to both groups.

Dennis Andresky, Parks and Recreation Director, announced that upcoming events included: International Fall Food Fest (October 26th); Club 01, a social club for people over 55 (Mondays); and in-house recreational soccer program registration (October).

Mayor Venis announced that item 7.16 needed to be tabled to November 7, 2001.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis requested that item 13.4 be added to the agenda. Councilmember Truex asked if this resolution was for an emergency. Mr. Willi explained that this resolution allowed Council to approve vendors for computer purchases. Councilmember Truex stated that he would vote against adding any items to the agenda unless there was an emergency because there was no public notice.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to add item 13.4 to the agenda. In a voice vote, with Councilmember Starkey and Councilmember Truex dissenting, all voted in favor. (Motion carried 3-2)

4. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR VENIS (8:24 p.m. - 8:35 p.m.)

FUNDRAISER. Mayor Venis asked that Mr. Willi have certificates prepared to be presented at an upcoming meeting for the participants of Indian Ridge Middle School's fundraiser for the Red Cross, which raised approximately \$25,000. Councilmember Starkey stated that Indian Ridge Middle School had also prepared certificates for Council.

I-75. Mayor Venis spoke about the charette with the Florida Department of Transportation regarding Interstate 75, and indicated to Mr. Willi that a follow-up meeting was scheduled within two weeks. He added that Assistant Town Administrator Ken Cohen was coordinating with various municipalities to resolve conflicts regarding this issue.

TRAFFIC CONGESTION. Mayor Venis advised that he had received telephone calls from individuals at Davie Elementary School regarding traffic congestion. He recommended that a police service aide be assigned to this area to assist with traffic flow.

GRANT. Mayor Venis stated that a grant was received for \$13,872 for the Fire Department's Child Passenger Safety Education program.

Mayor Venis stated that a copy of the letter from Continental Maintenance Group was received by Council regarding the Ridge at Nob Hill. He indicated that Mr. Willi had responded to the homeowner's association regarding the traffic situation and asked for an update. Mr. Willi stated that this was added to the agenda to approve the Continental Group's continuing service contract. He explained that a comprehensive study was being done regarding present and future traffic conditions in the area, and he was hopeful that traffic concerns would be alleviated once the study was completed and acted upon.

THOMAS'. Mayor Venis referred to Wayne Arnold's plea at the October 3, 2001 Council meeting on behalf of the Thomas'. Mr. Willi explained that staff would be making a presentation on this issue later in the meeting.

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DRAINAGE PROJECTS. Mayor Venis spoke about discussions with Congressman Deutsch's aide regarding funding on the drainage projects. Mayor Venis stated that there were possible monies available to reimburse the Town. He asked Mr. Willi to further research this and add it to a future agenda. Mr. Willi stated that he had also received information in this regard, and staff was researching the possibilities of claiming these grant monies.

VESTED RIGHTS. Mayor Venis advised that he had received a letter about the vested rights determination at the Plaza Shopping Center. He stated that the attorney for the property owner had requested that this be added to an upcoming agenda. Mr. Willi felt that the property owner had exhausted their appeal rights with the Town and explained that Mr. Kiar had issued an opinion on the outparcels. Mr. Willi further explained that he was asked to issue an appeal and he could see no basis for their appeal, so he also had denied their request. Mr. Kiar agreed that the petitioner had exhausted their appeal right. He stated that an ordinance was going to be presented to Council whereby appeals would go to Council for determination. He clarified that, as the present Code indicated, the determination rested with the Town Administrator.

Councilmember Starkey was under the impression that all vested rights determinations would come before Council because Mr. Willi was not comfortable with making these decisions. Mr. Willi reiterated that the present Code did not allow for Council to make these decisions.

Councilmember Clark asked Mr. Kiar when Council would be voting on the new ordinance where Council voted on vested rights determinations rather than the Town Administrator. Mr. Kiar indicated that his office had prepared an ordinance which was transmitted to the administration and would be heard by the Planning and Zoning Board. Mr. Kutney stated that this issue was scheduled for the October 24, 2001 Planning and Zoning Board meeting and it would be before Council in November or December. Mr. Willi added that there were no pending vested rights determinations at this time.

COUNCILMEMBER CLARK (8:35 p.m. - 8:40 p.m.)

POTTER PARK CLEAN UP. Councilmember Clark thanked those who had participated in the cleanup and advised that this program had been successful as less garbage was collected than in previous years. She also recommended that those who felt this program would be advantageous to their neighborhoods, should inform call staff.

COMMUNITY RELATIONS ADVISORY BOARD. Councilmember Clark stated that the Community Relations Board met the fourth Tuesday of every month.

DEMOLITION. Councilmember Clark was pleased with the demolition of the old Winn Dixie site on Davie Road.

DONATION. Councilmember Clark requested that the young man who donated money to the victims of the September 11th terrorist attacks be recognized with a certificate.

TRAFFIC. Councilmember Clark was also concerned with traffic congestion and safety in the school zones.

ANTS. Councilmember Clark was concerned with red ants in the Town's parks. She felt that the efforts to eliminate red ants needed to be increased as they were especially dangerous to small children.

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COUNCILMEMBER TRUEX (8:40 p.m. - 8:44 p.m.)

QUASI JUDICIAL HEARINGS DISCLOSURE. Councilmember Truex spoke about disclosure at quasi-judicial hearings and comments by Mr. Mancuda. Councilmember Truex realized that Council was not required to make disclosures at the beginning of the public hearing, but felt that if it was not prohibited, Mayor Venis should ask if anyone had disclosures.

AGRICULTURE CODE. Councilmember Truex referred to Code Section 12-34, which referred to agriculture and explained that an ordinance was going to be proposed regarding farming in the Town. He explained that he had met with Ms. Aitken and they agreed that it was necessary to have definitive criteria for farms. Councilmember Truex explained that they were going to track the Broward County Code as it was well defined. Also, he explained that farmers would have to abide by best management practices.

ADD-ON ITEMS. Councilmember Truex reiterated that he was going to vote against all add-on items in the agenda unless there was an emergency. He explained that the number one complaint he received from the community was the Council meetings were too long. Councilmember Truex suggested that presentations be done at separate meetings rather than at the beginning of every meeting. He advised that he would be not be reporting on all the meetings he attended as he felt the public was not concerned with this. Councilmember Starkey agreed that the Council meetings were too long.

COUNCILMEMBER STARKEY (8:44 p.m. - 9:20 p.m.)

FUNDRAISER. Councilmember Starkey stated that Indian Ridge Middle School had raised \$24,505.92 for the Red Cross. Also, other schools in the Town had raised money as well, but she did not have the exact figures. She praised all those who had participated.

THANKS. Councilmember Starkey thanked Mr. Andresky and Sports Supervisor Mark Dornacker for their efforts during the Broncos homecoming celebration at the Davie Pine Island Park.

TRAFFIC. Councilmember Starkey was also concerned with the traffic congestion at State Road 84 and Nob Hill Road and was anxious to participate in resolving this issue.

FENCING. Councilmember Starkey referred to the open space ordinance regarding the fences in Stonebrook. Councilmember Starkey was concerned that this ordinance had not come before the Planning and Zoning Board and Council in time for the homeowners to make appropriate arrangements when closing on their properties. Councilmember Starkey recommended that a special Planning and Zoning Board meeting be scheduled to expedite this issue. She also recommended extending the permit deadline until December 15, 2001.

Mayor Venis stated that he had received telephone calls from the developer of Stonebrook addressing this issue and asked Mr. Willi if any efforts were made to address this issue for the property owners involved. Mr. Willi responded that he had been in contact with the developer and their attorneys regarding a strategy. He explained that the process set forth in the Town's Code was being followed and every effort had been made to expedite this issue.

Vice-Mayor Paul asked if an extension on the permits could be given through a motion. Mr. Kiar indicated that Council could offer a motion to extend the permit until this ordinance was finalized.

Neil Kalis, representing Stonebrook, explained the history of this issue and advised that the homeowners were concerned because if the permits were not issued, they would

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not receive the benefit of what they had contracted for. Mr. Kalis asked if there was a vested rights argument that Council could decide on with respect to these five homes. Mr. Kiar stated that there was no vested right for these properties. He understood that permits for these fences were initially issued in error and once the error was realized, no other permits were issued. Mr. Kutney clarified that the erroneous permits were issued to other homes prior to the sale of the five homes in question.

Mr. Kiar explained the procedures for calling a special meeting of the Planning and Zoning Board and the Local Planning Agency. He stated that there was sufficient time to proceed with a special meeting and this item could be heard by Council the first meeting in November. Mayor Venis recommended that the permits were extended and that a special meeting was scheduled as soon as possible. Mr. Kalis suggested that the vested rights argument and the ordinance were processed concurrently. He was concerned that if Council determined that this ordinance was not in the best interest of the Town, the problem would still exist for his client and the five homeowners.

Vice-Mayor Paul asked if the hold harmless and permit extension would allow the homeowners to close on their properties on the scheduled closing date of November 1st. Mr. Kalis stated that it would not. Vice-Mayor Paul stated that the consensus of Council in July was that the fences were acceptable. She was concerned that errors of this type occurred and felt it was unacceptable and needed to be addressed.

Mr. Kutney felt it was important to have a public hearing as well, because there were mixed emotions about this issue and Council needed to hear public opinion before taking action.

Councilmember Starkey made a motion to extend the special permit for the five homes until December 15th. Vice-Mayor Paul suggested extending it indefinitely. Mr. Kiar recommended adding a date because Council still had to vote on the ordinance. Vice-Mayor Paul stated that if there was no problem with making the permit indefinite, then she recommended that indefinite be added. Mr. Kalis felt that this would assist in resolving the problem while Council was working on the ordinance.

Councilmember Truex felt that there was no justification for holding a special meeting for five homeowners. He felt that this was being considered because of the wealth of the homeowners and the developer, and that a special meeting would not be held for homeowners who were not wealthy. Councilmember Truex advised that he was not opposed to the fences.

Councilmember Clark was not in favor of the permit being issued indefinitely and was therefore, opposed to the motion. Councilmember Starkey stated that she did not use the word indefinite. Councilmember Clark stated that Vice-Mayor Paul had amended the motion and clarified that she would add permanent rather than indefinite. She explained that the reason for the special meeting was because this issue was not brought forward in a timely manner.

The motion died for lack of a second.

Councilmember Starkey made a motion to extend the permit on the specific five homes that were outlined by Mr. Kalis' letter dated October 5 - lot 36, lot 37, lot 38, lot 40, lot 116 - to allow those five homes to have their permits extended until December 15th; and to have a special meeting at the earliest possible notification for the Planning and Zoning Board and the Local Planning Agency to hear the ordinance, have it immediately go on to

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Council's next agenda after that meeting and then for the first reading and second reading for two weeks after that. Mr. Kiar clarified the hearing dates for Council were November 7th and November 21st.

Vice-Mayor Paul again asked that the permit be extended indefinitely. Councilmember Starkey agreed to amend the motion to include "indefinitely" rather than December 15th. Vice-Mayor Paul seconded the motion. In a voice vote, with Councilmembers Clark and Truex dissenting, all voted in favor. (Motion carried 3-2)

COUNCILMEMBER PAUL (9:20 p.m. - 9:30 p.m.)

THANKS. Vice-Mayor Paul thanked the Broward County Commission for voting unanimously on considering the purchase of the 60 acres near Vista View Park.

AGRICULTURE. Vice-Mayor Paul referred to the agricultural ordinance being worked on by Councilmember Truex and was looking forward to it being resolved. She asked that the issue of bees be researched for their role in pollination and positive impact they had on nurseries and farms.

DONATION. Vice-Mayor Paul identified the child Councilmember Clark referred to who raised money for the victims of September 11th as David Lang. She stated that she had his presentation to Council taped and wanted to present it to his family.

REQUEST. Vice-Mayor Paul referred to a letter from the Director of Student Activities from the School Board of Broward County for a request of \$200 to sponsor a student leader to attend the Florida Association of Student Councils. She asked if this could be added to the next agenda.

WILDLIFE REPORT. Vice-Mayor Paul referred to GL Homes' report on wildlife in compliance with the Town's wildlife ordinance. She felt that the report was not comprehensive, as it did not cover the entire property and was done during the morning hours. Vice-Mayor Paul was concerned with vanishing species and requested that direction be given to Jeff Harrod to do a comprehensive nocturnal study.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, that the Town ask Jeff Harrod to go in and do a study of this property. She clarified that she wanted Mr. Harrod to conduct a nocturnal study and a review of the report that was prepared for GL Homes. In a voice vote, all voted in favor. (Motion carried 5-0)

5. TOWN ADMINISTRATOR'S COMMENTS (9:30 p.m. - 9:44 p.m.)

PARKS/GRANTS. Mr. Willi stated that, in addition with the 60 acre parcel next to Vista View Park, the County Commission had approved approximately \$941,000 in grants for the construction of the Police Athletic League gym and the Harmony Village community.

LEASE. Mr. Willi stated that he had received a copy of the Nova lease and that it would be forwarded to the Town Attorney and it would be placed on the next agenda.

SEMINOLE INDIAN VILLAGE. Mr. Willi stated that the water service negotiations were proceeding with the Seminole Indian Village and were very positive. He stated that the Town had received a draft service agreement and as soon as Mr. Kiar had reviewed it, it would be on a Council agenda.

LIBRARY. Mr. Willi stated that the Nova Southeastern Library was scheduled to open on November 1st.

SECURITY. Mr. Willi asked Chief George and Fire Chief Don DiPetrillo to speak on behalf of security measures in light of the September 11th attacks.

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Chief DiPetrillo advised that a task force had been established between the police and fire departments to work on this issue. He explained how the federal government was specifically looking into crisis management activities, which included a joint response. Also, being considered was consequence management, which included the actions taken during the aftermath of the major crisis.

Chief George spoke about how the Town's police and fire departments had been responding to an increased number of calls related to the attacks and anthrax scares. He explained how federal and state law enforcement were involved and to what degree. Chief George stated that the Town's police and fire departments had to establish their own protocol because levels of involvement from state and federal authorities were being modified on a daily basis.

At this time, Chief George felt that public employees were at a higher risk. He stated that the task force was looking at how to make security modifications, especially for Town officials, without negatively impacting public access.

Chief George stated that a meeting with school principals was being scheduled to discuss concerns and gather information on how the security plan could be tailored to meet the needs of the schools in the area.

6. TOWN ATTORNEY'S COMMENTS (9:44 p.m. - 9:45 p.m.)

CITRUS CANKER. Mr. Kiar gave an update on citrus canker, stating that the County and the Coalition of Cities had been successful in challenging the validity of the rule promulgated by the Department of Agriculture where it wanted to cut down uninfected trees within a 1,900 foot radius of an infected tree. He stated that the Department of Agriculture was developing a new rule and the County and Coalition of Cities would challenge this new rule in Tallahassee.

ORANDELLO. Mr. Kiar stated that he had received an offer to settle Mr. Orandello's case and he would report to Council with more details at the next meeting.

7. CONSENT AGENDA (9:45 p.m. - 10:13 p.m.)

Proclamations

7.1 Florida City Government Week (October 21 - 27, 2001)

7.2 National Epilepsy Awareness Month (November 2001)

Home Occupational License

7.3 Advanced Acoustics, Inc., 14091 SW 26 Court

Parade Permit

7.4 South Florida Trailriders of Broward County, PO Box 290332

Resolutions

7.5 **REVISING PAY AND CLASSIFICATION PLAN - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REVISING AND REASSIGNING THE PAY GRADE OF THE CLASS SPECIFICATION OF PROCUREMENT MANAGER AND DEPUTY BUDGET AND FINANCE DIRECTOR IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN AND PROVIDING AN EFFECTIVE DATE. (tabled from October 3, 2001)**

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- 7.6
R-2001-274 **RATIFICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S PURCHASE OF PROPERTY FROM JESSE P. GADDIS AND SUSAN T. GADDIS; AND PROVIDING FOR AN EFFECTIVE DATE. (\$345,000)**
- 7.7 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN EARTHLING FOUNDATION OF BROWARD COUNTY AND THE TOWN OF DAVIE.**
- 7.8
R-2001-275 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING ENTERING INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND PASADENA AT IMAGINATION FARMS, INC. FOR THE CONSTRUCTION OF AN EQUESTRIAN PARK.**
- 7.9
R-2001-276 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID AWARDED BY RESOLUTION #2001-225 THROUGH GSA FEDERAL SUPPLY CONTRACT GS-07-F-8722-D FOR A REELMASTER 3100D. (Hector Turf - \$17,886.30)**
- 7.10
R-2001-277 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR ELECTRICAL MATERIALS-NOVA SPORTS FIELDS. (McDonald Distributors for electrical material - \$6,278.23; Graybar Electric for switch gear - \$3,752.88)**
- 7.11
R-2001-278 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR ATHLETIC FIELD WEED CONTROL SERVICES. (Antec - \$33,144/yr)**
- 7.12
R-2001-279 **REMOVAL OF BOND REQUIREMENTS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE REMOVAL OF THE BOND REQUIREMENT FOR 25% OF THE COST OF TRAFFIC SIGNALIZATION AT THE INTERSECTION OF SW 26 STREET AND SW 130 AVENUE FOR "EMERALD SPRINGS HOMES OF DAVIE" (149-48), AND PROVIDING AN EFFECTIVE DATE. (DG 7-1-01, 2301 SW 130 Avenue)**
- 7.13
R-2001-280 **AIRPORT EXPANSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA EXPRESSING GREAT CONCERN REGARDING THE PROPOSED 2020 VISION FOR EXPANSION OF THE FORT LAUDERDALE - HOLLYWOOD INTERNATIONAL AIRPORT AND URGING THE BROWARD COUNTY COMMISSION TO SEEK THE PARTICIPATION OF IMPACTED MUNICIPALITIES IN PLANNING OF THE FUTURE EXPANSION BY CREATING AN AIRPORT ADVISORY COMMITTEE.**

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7.14 **CABLE ALTERNATIVES - A RESOLUTION OF THE TOWN OF DAVIE,**
R-2001-281 **FLORIDA, ENCOURAGING BROWARD COUNTY AND THE
MUNICIPALITIES LOCATED WITHIN BROWARD COUNTY TO PURSUE
CABLE TELEVISION SERVICE ALTERNATIVES.**

7.15 **ENGINEERING SERVICES - A RESOLUTION OF THE TOWN OF DAVIE,**
R-2001-282 **FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR TO APPROVE A
MEMORANDUM OF UNDERSTANDING FOR SERVICES WITH URS
CORPORATION; PROVIDING FOR THE PROFESSIONAL SERVICES AND
FEES RELATED TO TRAFFIC ENGINEERING SERVICES AND STUDY
REGARDING NOB HILL ROAD; AND PROVIDING AN EFFECTIVE DATE
(\$21,095)**

Site Plans

7.16 **STAFF REQUESTING A TABLING TO DECEMBER 4, 2001**

SP 4-2-00, Armadillo Square, 4614 SW 64 Avenue (Griffin Road Corridor)
(tabled from October 3, 2001) *Planning and Zoning Division recommended
denial; Site Plan Committee recommended denial*

7.17 SP 11-3-00, Floridian Community Bank, 5601 South University Drive (B-2)
*Planning and Zoning Division recommended approval subject to the
planning report; Site Plan Committee recommended approval subject to the
planning report*

7.18 SP 5-4-01, University Commons, 6555 Nova Drive (M-4) *Planning and Zoning
Planning and Zoning Division recommended approval subject to the
planning report; Site Plan Committee recommended approval subject to the
planning report, subject to a staff member coordinating that all the Royal
Palm trees be the same size on Nova Drive, subject to looking into the street
drainage on Nova Drive and how that should be handled, and subject to
providing irrigation for the Royal Palm trees on Nova Drive in front of the
petitioner's property*

Vice-Mayor Paul requested that item 7.7 be removed from the Consent Agenda.
Councilmember Truex requested that item 7.5 and 7.6 be removed.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve the
Consent Agenda minus items 7.5, 7.6, and 7.7. In a voice vote, all voted in favor. (Motion
carried 5-0)

7.5 Councilmember Truex stated that it was difficult to make comparisons with other
municipalities and he was not sure why it was necessary to go above the "midpoint" for
these positions. Mayor Venis' suggested waiting until November when the new
organizational charts were provided.

Councilmember Starkey understood that many of the reclassifications had already
been done and the only ones remaining were that of Procurement Manager and Deputy
Budget and Finance Director.

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Councilmember Truex explained that he was opposed to raising these salaries above district standards. Mayor Venis explained some of the classifications were new and, therefore, had to be addressed by Council.

Councilmember Truex made a motion, seconded by Mayor Venis, to defer this until Council had the whole organization chart and could discuss it. In a voice vote, with Vice-Mayor Paul, and Councilmembers Clark and Starkey dissenting, all voted in favor. (Motion denied 2-3)

Mr. Willi explained the process used to make salary determinations.

Councilmember Clark made a motion, seconded by Councilmember Starkey, to approve item 7.5. In a voice vote, with Mayor Venis, Vice-Mayor Paul and Councilmember Truex dissenting, all voted in favor. (Motion denied 2-3)

Vice-Mayor Paul made a motion, seconded by Councilmember Truex, to defer the item to November 20, 2001. In a voice vote, with Councilmembers Clark and Starkey dissenting, all voted in favor. (Motion carried 3-2)

7.6 Councilmember Truex asked if the 60-day due diligence period afforded adequate time to conduct environmental studies and appraisals and if the Community Redevelopment Agency (CRA) was responsible for making the decision to not go forward during the due diligence period. Mayor Venis replied affirmatively. Councilmember Truex asked about the history of the ownership of this property. Redevelopment Administrator Will Allen stated that a small portion of the property was bought this year and the rest of it was obtained in May 1997. Councilmember Truex asked if the appraisal was for less than the asking price, would the CRA make the decision whether or not to purchase the property. Mr. Allen responded that the CRA could reject the property or terminate the contract and renegotiate it. He added that the CRA would probably offer the appraisal price.

Councilmember Truex made a motion, seconded by Councilmember Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

7.7 Vice-Mayor Paul asked for more information about the Earthling Foundation and the proposed benefit.

Combiz Shafa, 10221 SW 40 Street, representing the Earthling Foundation, addressed Council regarding the proposed benefit.

Councilmember Truex stated that this corporation was dissolved on September 21, 2001 and if the request was approved, it should be conditioned on this organization being a corporation in good standing. Mr. Shafa stated that he had forgotten to send in the renewal form. Councilmember Truex asked if this was a 501 corporation with Mr. Shafa replying negatively. Mayor Venis asked what section this corporation was under. Mr. Shafa did not have this information with him, stating that his accountant did. Councilmember Truex stated that Mr. Shafa's non-profit organization had not been renewed since 1994.

Mr. Shafa explained that the purpose of this benefit was to collect funds for the Children's Aid Society of New York so that monies could be given to the children who had lost parents in the September 11th tragedy. He added that this was not a one-time venture, but was being developed as an ongoing project.

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Ken Crellen explained that the purpose of this venture was to get the community involved in collecting monies for the victims of the September 11th tragedy. He stated that they had been in touch with Publix and Walgreens for sponsorships.

Councilmember Truex asked if the Town was going to be an involved sponsor or was the request solely for the purpose of waiving the \$500 fee for the arena. Mr. Crellen stated that they would like to have the Town as a sponsor or to mention the Town in their promotions. Councilmember Truex had no objection to waiving the fee, but was not interested in having the Town act as a co-sponsor.

Vice-Mayor Paul pointed out that the repercussions of this tragedy had adversely affected local businesses and suggested that a percentage of the monies be donated to local charities to assist businesses that had suffered in this area. Mr. Shafa stated that the trigger for this project was the news that more than 1,300 children had lost a parent in the World Trade Center attacks. He clarified that the goal was to create a charitable trust for long-term assistance to the children. Mr. Shafa stated that there was no problem with assisting local charities and suggested that Council determine who had the greatest need. Mr. Shafa added that none of the proceeds were going to the organizers of the event and the only cost for the organizers was for the T-shirts they were going to be selling to collect more donations. Mr. Shafa stated that American Express Financial Services, the accountant for the organization, was setting up a trust account until the money could be appropriately dispersed to the children and their families.

Mr. Kiar reiterated that the corporation had been dissolved. He stated that the contract was signed with Mr. Shafa as representative for the Earthling Foundation, but the Earthling Foundation did not exist. Mr. Kiar asked how soon the corporation could be reinstated. Mr. Shafa stated that he would send in the appropriate paperwork on October 18th.

Vice-Mayor Paul made a motion, seconded by Councilmember Truex, to table to November 7, 2001 so that Mr. Shafa could show appropriate paperwork that the corporation was filed. She also wanted documentation showing that the charitable trust was established. In a voice vote, all voted in favor. (Motion carried 5-0)

8. PUBLIC COMMENTS (10:13 p.m. - 10:21 p.m.)

Ordinance - First Reading (Second Public Hearing to be held November 7, 2001)

8.1 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-2, MEDIUM INDUSTRIAL DISTRICT TO B-2, COMMUNITY BUSINESS DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 4-3-01, Laystrom/Zacco, 5011 State Road 7)

Mayor Venis advised that a public hearing would be held on November 7, 2001. Town Clerk Muniz read the ordinance by title.

Mayor Venis opened public hearing.

Barry Rowars, 4990 SW 52 Street, provided Exhibit "A" regarding a letter addressed from his attorney, Mr. Atkinson, to himself. The letter included modifications that Mr. Atkinson felt were necessary for this ordinance and declaration of restrictions, and concern that a court reporting of the meeting was not received.

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Bill Laystrom, representing the petitioner, stated that he had prepared a declaration of restrictions and had sent it to Mr. Atkinson weeks prior to this meeting. He added that staff had also prepared a declaration of restrictions which he had signed. Mr. Laystrom advised that he had ordered the transcripts in question, but had not yet received them. He disagreed with some of the wording regarding mini storage, adding that it was agreed as a part of Council's motion that it was not a condition of "our" proving.

Mayor Venis confirmed that once Mr. Laystrom received the transcripts, he would provide them to Mr. Atkinson. He also confirmed that everything discussed at the Council meeting would be restricted as was already decided.

Mr. Kutney advised that there was a scrivener's error in Section 3 which would be corrected.

Mayor Venis closed public hearing.

Councilmember Truex made a motion, seconded by Vice-Mayor Paul, to approve subject to the same things as last time and the correction of the scrivener's error. In a roll call vote, the vote was as follows: Mayor Venis, yes; Vice-Mayor Paul, yes; Councilmember Clark, yes; Councilmember Starkey, yes; Councilmember Truex, yes. (Motion carried 5-0)

9. PUBLIC HEARINGS (10:21 p.m. - 10:23 p.m.)

Mayor Venis opened the public hearing portion of the meeting.

Ordinance - Second and Final Reading

- 9.1 **AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA**
2001-45 **AMENDING ORDINANCE NO. 2001-35 TO PROVIDE THAT THE SIX MONTH MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR WIRELESS TELECOMMUNICATION TOWERS SHALL NOT APPLY TO APPLICATIONS RELATING TO THE PLACEMENT OF WIRELESS TELECOMMUNICATION ANTENNAS ON EXISTING WIRELESS TELECOMMUNICATION TOWERS; PROVIDING FOR EXCEPTIONS; SETTING FORTH EXPIRATION AND EFFECTIVE DATES.**

Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Perry Adair, representing Metro PCS, spoke in favor of this ordinance.

Mayor Venis closed public hearing.

Councilmember Truex made a motion, seconded by Councilmember Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul, no; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 4-1)

Mayor Venis closed the public hearing portion of the meeting.

10. APPOINTMENTS (10:23 p.m. - 10:24 p.m.)

- 10.1 Youth Advisory Board (one exclusive appointment - Mayor Venis and Councilmember Clark; terms expire April 2002)

This item was deferred.

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10.2 Davie Water and Environmental Advisory Board (one exclusive appointment - Councilmember Clark; term expires December 2001)

This item was deferred.

10.3 Open Space Advisory Committee (one exclusive appointment - Vice-Mayor Paul; term expires July 2002)

This item was deferred.

10.4 Davie Agricultural Advisory Board (one exclusive appointment - Councilmember Clark; term expires February 2002)

This item was deferred.

10.5 Florida Municipal Insurance Trust Trustee Nominations (3 year term)

No nominations were made.

11. OLD BUSINESS

11.1 Advisory Boards - Councilmember Truex (10:24 p.m. - 10:46 p.m.)

Councilmember Truex stated that the purpose of the ordinance was to consolidate and define the authority and rules of operation of the Town's advisory boards. Boards excluded were boards that were entirely or predominantly composed of Town staff and chartered boards. Councilmember Truex stated that some boards might be abolished as official boards, but they could continue to meet if they so chose and facilities would be made available to them. He further outlined the proposal, which included reducing the number of members, modifying the requirement for being a member, and adding a sunset revision.

Mayor Venis thanked Councilmember Truex for devising this proposal and recommended that Council review it and discuss it at a future Council meeting. Councilmember Starkey suggested lowering the number for a quorum so that boards could be operational. She also suggested informing absentees and requiring that they have an excused absence. Councilmember Starkey made suggestions for clarification in the proposal and offered her opinion as to which boards should remain.

Vice-Mayor Paul stated that she would like to see the option for Councilmembers to sit on boards. Also, she made suggestions for which boards could be consolidated as they had a natural alignment.

Councilmember Clark suggested that all board members be notified of the possibility that their board may be consolidated or abolished.

Norm Blanco, 2080 SW 72 Avenue, was concerned with the manner in which board members were appointed. He suggested that Council request volunteers rather than soliciting personal acquaintances.

11.2 Quasi-Judicial - Vice Mayor Paul (10:46 p.m. - 10:54 p.m.)

Vice-Mayor Paul suggested having one extra meeting a month for quasi-judicial items or presentations because Council meetings were running too long. Mr. Willi was concerned that the third meeting might run long as well.

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Mayor Venis suggested that Council be more direct with questions and answers rather than elaborating. He recommended that Council spend only five to six minutes on their comments and allow specific issues to be added as agenda items. Mayor Venis also suggested that attorneys for quasi-judicial items be limited to five to six minutes.

Councilmember Starkey stated that committee reports be limited to three minutes. Councilmember Truex suggested having separate meetings quarterly for presentations. Mayor Venis again suggested strict time limits.

Councilmember Truex asked why the Town Clerk's Office was not noting the times to the minutes, as previously requested by Council. He stated that it should be added before it was published so that the public could see the amount of time each item took.

12. NEW BUSINESS

12.1 Permitting Outside Special Events - Councilmember Truex (10:54 p.m. - 10:58 p.m.)

Councilmember Truex referred to Section 12-318 of the Town's Code. He felt that this ordinance needed to be amended, so that a publicly run special event under a certain size should not need a permit. Mr. Kutney explained that prior to the ordinance, there was no discretion in the Land Development Code for Town officials to approve publicly run special events, therefore there were no limitations as to who could hold an event and how large the event could be.

Mayor Venis suggested that Mr. Kutney meet with Councilmember Truex to resolve any concerns about this issue.

12.2 Residential/Office Comprehensive Plan/Zoning Category (10:58 p.m. - 10:59 p.m.)

Mr. Kutney suggested providing backup information to Council before this item was addressed. Mayor Venis asked if this would delay any possible action. Mr. Kutney stated that the action being taken was serious as it affected zoning and the Comprehensive Plan. Mayor Venis requested that all backup information be distributed to Council and this presentation be added to the next agenda.

12.3 Summerlake Apartments Gate Issue - Shirley Taylor-Prakelt (10:59 p.m.)

Mr. Willi deferred this item as Housing Director Shirley Taylor-Prakelt was not present and explained that there was a question regarding accessibility of vehicles through the property. Due to crime concerns, a request was being made for permission to close the gates to vehicular traffic in the rear of the property.

12.4 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE FROM THE CAPITAL ACCOUNT TO ACCEPT THE BID FOR WINDOWS BASED COMPUTERS, BROWARD COUNTY BID A998204B1.

Town Clerk Muniz read the resolution by title.

Mayor Venis asked if this was the same pricing as the Police Department. Mr. Willi explained that the pricing scenario improved with this addition and equipment upgrades were included.

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Councilmember Truex was opposed to this resolution, stating that this was circumventing the bid process as the equipment was not the same as that ordered by the Police Department. He pointed out that there was a Town ordinance which specified that there was a \$10,000 limit and this action opposed that ordinance.

Councilmember Starkey pointed out that piggybacking bids increased purchase power and it was a respected government practice nationwide.

Councilmember Starkey made a motion, seconded by Councilmember Clark, to approve. In a voice vote, with Councilmember Truex dissenting, all voted in favor. (Motion carried 4-1)

13. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 11:09 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk